

MEETING 14 - March 4

The Madison County Planning Commission and the Madison County Board of Supervisors held a joint meeting on March 4, 2020 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chair
Kevin McGhee, Member
Amber Foster, Member
Carty Yowell, Member
Jack Hobbs, County Administrator
Sean Gregg, County Attorney
Ligon Webb, County Planner
Jacqueline S. Frye, Deputy Clerk

ABSENT: Charlotte Hoffman, Vice-Chair

Following the Call to Order, Pledge & Moment of Silence.

*Planning Commission suspended
Board of Supervisors reconvened*

1. Call to Order, Determination of a Quorum/Adopt Agenda

A quorum was established. Supervisor Hoffman was absent.

Supervisor Foster moved to adopt the Agenda as presented, seconded by Supervisor McGhee. *Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.*

*Board of Supervisors suspended
Planning Commission reconvened*

- A. Case No. OA-03-20-1:** Amending the zoning ordinance, specifically article 3 (conservation district), section 3-2 (special permit uses) and adding a section 3-2-28 – Rural Resort.

*Planning Commission suspended
Board of Supervisors reconvened*

Comment(s) from the public:

- Wayne Mann: Clarified that folks be required to operate within the guidelines of a rural resort have noise protection; asked about the number of Air B&B's operating within the County;
- *Supervisor Yowell: Advised that the proposed amendment was an oversight when the Board passed the rural resort ordinance in early 2019 to not have included the proposed allowance in a conservation zone;*

verbalized favor of tonight's proposed amendment.

Supervisor McGhee moved that the Board approve Case No. OA-03-20-01, as recommended by the Planning Commission, seconded by Supervisor Foster. *Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.*
Case No. OA-03-20-01 [Ordinance ID #2020-1] Reads as follows:

**ORDINANCE TO AMEND THE MADISON COUNTY
ZONING ORDINANCE**

**ORDINANCE #2020-1
(Case No. OA-03-20-1)**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

Amending the zoning ordinance, specifically article 3 (conservation district), section 3-2 (special permit uses) and adding a section 3-2-28 – Event Venue.

The aforesaid amendment shall be effective upon enactment.

ENACTED this 4th day of March 4, 2020.

*Board of Supervisors suspended
Planning Commission reconvened*

- B. Case No. OA-03-20-2:** Amending the zoning ordinance, specifically article 14 (general provisions), section 14-18 (rural resort), 14-8.3 (siting requirements), 1 (area regulations) and deleting the existing text and changing/replacing it.

*Planning Commission suspended
Board of Supervisors reconvened*

- *Supervisor Jackson: Advised that the Planning Commission has recommended the proposed amendment not be approved.*

Ligon Webb, County Planner, explained that the idea was to approve something to allow a smaller venue ordinance to be developed, which would be very similar to the rural resort ordinance, and to allow for various smaller activities. In closing, he noted that a list of smaller scaled activities could be established and reviewed.

- *Chairman Jackson: Noted that the Board can amend any allowance as long as the intent remains the same; also referred to goal #1 in the Madison County Comprehensive Plan to "preserve, protect and enhance the natural beauty, rural character, and air/water quality in Madison County and retain agriculture and forestry as its primary land use; feels that implementation of the County's capacity for a purposeful planer was strongly emphasized multiple times, which has now been initiated; the proposed amendments could*

potentially allow existing event venues (by seasonal/brief) can operate on three (3) to ten (10) acres all year round; all lighting must erect upward, as noted required; noted that goal #2 of the Madison County Comprehensive Plan is 'to promote tourism and visitor related enterprise, attractions, events, and to aggressively market Madison County as a enjoyable place to visit; suggested that some of the taxes be attained from visitors and not all from those who live here; also noted that the Commissioner of the Revenue can provide a list of all local B&B properties.

- *Supervisor Yowell: Advised that the activities included in the draft event ordinance showed no change those noted in the rural resort ordinance and there was not an acreage requirement noted; acreage involved doesn't matter; copies of Article 14 .1 and Article 14 have been made tonight for the public; also advised that those who come here to visit Air B&B's aren't the ones leaving trash behind; referred to the fact that many weddings are 'dry' here ; noted that public meetings on a proposed noise ordinance brought many citizens' proliferation of the proposed venues will not happen, as there will be a business decision made by individuals here; also noted that citizens inquire as to the details of what can or can't be done at an event venue; suggested the County go with 10-20 acreage requirement in A1 and C1 zones, and change the name to event venue instead of rural resort ordinance; referred to the narrow roads here which may not be suitable to accommodate an event venue.*
- *Supervisor Foster: Referred to concerns about acreage; questioned what is being requested from those desiring oi purpose event venues; concurred with requiring ten (10) acres.*
- *Supervisor McGhee: Concurred with allowing 10-20 acres in an A1 and C1 zone; doesn't feel that three (3) acres would be sufficient, but does understand the rationale.*

In regards to the proposed name change from rural resort to event:

The County Attorney advised that changing the name doesn't change the intent.

Comments from the public:

- *Dennis Coppedge: Referred to the total days of use (seasonal/brief) which (in his opinion) isn't worth the paper that it's printed on; feels that a special use permit not be used to control the ordinance; feels the County may open itself up to legal repercussions if full consistency isn't followed completely; doesn't feel that a noise ordinance is needed here, but to denote that there will be no outdoor amplified music at events, or that no amplified outdoor music can be heard at the property line.*
- *Jim Alexander: Feels that it would've been useful if the public had been made area of any specific need or issue to require a factual predicate; feels the County is trying to move forward with an amendment 'on the fly' which (in his opinion) is crazy; no limitations by acreage will allow for many types of things. which he feels is wrong and inconsiderate; encouraged the Board to allow the Planning Commission to readdress the issue and return with further information.*
- *Susanna Spencer: Concurred with prior comments; questioned the factors that will be considered in refusing certain activities at an event venue.*
- *Barbara Miller: Questioned if there are guidelines in place for music festival.*
- *Jenny Robinson: Verbalized concerns about what was published regarding what would be allowed (i.e. utilities, staff living quarters, construction etc.) on ten (10) acres, and having; feels this would end up in her front yard and block her view of the mountains.*
- *Tracey Gardner: Advised that the Tourism Office has received no complaints about any of the*

events happening at local venues, which is something that many folks have asked for several times during the years.

Supervisor Yowell moved that ordinance amendment OA03-20-2 be amended to have ten (10) acres in both of A1 and C1, and change the name to Event Venue.

Supervisor Yowell amended his motion to amendment Case No OA-03-20-2 to ten (10) acres in A1 and C1 zones, seconded by Supervisor McGhee. *Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent Hoffman.*

Supervisor Yowell moved that the name be changed from Rural Resort Ordinance to Event Venue Ordinance for adoption, seconded by Supervisor Foster. *Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.*

Case No. OA-03-20-2 [Ordinance ID #2020-2] Reads as follows:

ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE

ORDINANCE #2020-2 (Case No. OA-03-20-2)

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

Amending the zoning ordinance, specifically article 14 (general provisions), section 14-18 (event venue), 14-8.3 (siting requirements), 1 (area regulations) and deleting the existing text and changing/replacing it.

This amendment replaces 1 (area regulations) with the following text: **1. Area Regulations: The minimum lot area for an event venue use shall be ten (10) acres in the A-1 (General Agriculture) zoning district and ten (10) acres in the C-1 (Conservation) zoning district.**

The aforesaid amendment shall be effective upon enactment.

ENACTED this 4th day of March 2020.

*Board of Supervisors suspended
Planning Commission reconvened*

- C. Case No. OA-03-20-3:** Amending the zoning ordinance, specifically article 9 (limited industrial), section 9-1 (uses permitted by right), and adding a section 9-1-36 – Mixed Use Building(s).

Planning Commission suspended

Board of Supervisors reconvened

Supervisor McGhee moved that the Board approve Case No. OA-03-20-3 as recommended by the Planning Commission, seconded by Supervisor Foster. *Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.*

Case No. OA-03-20-3 [Ordinance ID#2020-3] Reads as follows:

**ORDINANCE TO AMEND THE MADISON COUNTY
ZONING ORDINANCE**

**ORDINANCE #2020-3
(Case No. OA-03-20-3)**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

Amending the zoning ordinance, specifically article 9 (limited industrial), section 9-1 (uses permitted by right), and adding a section 9-1-36 – Mixed Use Building(s).

The aforesaid amendment shall be effective upon enactment.

ENACTED this 4th day of March, 2020.

- D. Case No. OA-03-20-4:** Amending the zoning ordinance, specifically article 20 (definitions) and adding a section 20-120A – Mixed Use Building(s) with a definition.

Supervisor Foster moved that the Board approve Case No. OA-03-20-4, as recommended by the Planning Commission, seconded by Supervisor McGhee. *Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.*

Case No. OA-03-20-4 [Ordinance ID #2020-4] Reads as follows:

**ORDINANCE TO AMEND THE MADISON COUNTY
ZONING ORDINANCE**

**ORDINANCE #2020-4
(Case No. OA-03-20-4)**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

Amending the zoning ordinance, specifically article 20 (definitions) and adding a section 20-120A – Mixed Use Building(s) with a definition.

The definition for Mixed Use Building(s) would be as follows: **An existing building, or group of buildings, located on the same parcel which are utilized for a variety of uses ranging from general retail, restaurants or similar uses, events or venue facilities, light manufacturing, short or long-term lodging and professional offices.**

The aforesaid amendment shall be effective upon enactment.

ENACTED this 4th day of March 2020.

*Board of Supervisors suspended
Planning Commission reconvened*

- E.** Case No. OA-03-20-5: Amending the subdivision ordinance, specifically article 7 (filing approval procedures) section 7-1 (filing requirements) and sections 7-3 (final approval); these amendments would allow for administrative approval of one (1) lot non-family subdivisions.

*Planning Commission suspended
Board of Supervisors reconvened*

Supervisor Yowell moved that the Board approve Case No, OA-03-20-5 as recommended by the Planning Commission, seconded by Supervisor Foster. *Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.*

Case No. OA-03-20-5 [Ordinance ID #2020-5] Reads as follows:

**ORDINANCE TO AMEND THE MADISON COUNTY
ZONING ORDINANCE**

**ORDINANCE #2020-5
(Case No. OA-03-20-5)**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Subdivision Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Subdivision Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

Amending the subdivision ordinance, specifically article 7 (filing approval procedures) section 7-1 (filing requirements) and sections 7-3 (final approval); these amendments would allow for administrative approval of one (1) lot non-family subdivisions.

The code amendments necessary to enact the changes are as follows: (additions to the Code are underlined & deletions are *italicized*):

7-1 Filing Requirements: An applicant shall file seventeen (17) prints of the final plat, prepared by a land surveyor or certified professional engineer licensed by the Commonwealth of Virginia to practice as such. Subdivisions approved administratively shall require one (1) print of the final plat to be maintained and held in County records for a minimum of ten (10) years from the date of approval. The said surveyor or professional engineer shall affix upon each plat a signed certificate and also indicate thereon the source of the title of the owner of the land subdivided. Any supporting data or plans shall also be filed with the Commission or its agent. *A final plat shall not be filed until it has all required plat details and approval signatures from the Madison County Health Department and Virginia Department of Transportation.*

The above *italicized* text above is to be deleted and changed/replaced with the following text:

A final plat is recommended to have all required plat details and approval signatures from the Virginia Department of Health and Virginia Department of Transportation. Lots/parcels recorded without such approval signatures shall not be issued a zoning or building permit until such approvals are obtained in writing from said departments.

The following additions to 7-3 (Final Approval) of the Code are underlined below:

7- 3 Final Approval: The Board of Supervisors, Zoning Administrator or County Administrator, retains unto itself the authority of final approval of final plats. The Planning Commission shall consider final plats and make recommendations to the Board of Supervisors. Single lot non-family subdivisions do not require consideration by the Planning Commission or approval of Board of Supervisors; such subdivision may be approved administratively by the Board of Supervisors' designee provided the subdivision meets all

requirements of this ordinance. For all other subdivision applications, the Board of Supervisors shall indicate approval or disapproval of all subdivisions received for consideration as a final plat within sixty (60) days from the date of its first public hearing, provided, however, the sixty (60) day period may be extended with the consent of the applicant. Approval of the final plat by the Board of Supervisors shall be void unless the approved plat is recorded within six (6) months after approval. All approved final plats shall be filed in the Clerk's Office of the Circuit Court of Madison County. No such plat of any subdivision shall be recorded by the Clerk of said Court unless it has been approved by the Board of Supervisors, or its designee.

The aforesaid amendment shall be effective upon enactment.

ENACTED this 4th day of March 2020.

*Board of Supervisors suspended
Planning Commission reconvened*

- F. Case No.OA-03-20-6:** Amending the site plan ordinance, specifically amending section A.2 (applicability of regulations) and adding a section A.2.2.9; amending section A4 (administration) specifically section A.4.1.1; amending sections A5 (procedures) specifically section A5.1; and amending A.6 (site plan details) specifically A.6.5. These amendments would allow for the administrative approval of site plans which are less than 40,000 sq. ft. in area.

*Planning Commission suspended
Board of Supervisors reconvened*

Supervisor Foster moved that the Board approve Case No. OA-03-20-6 as recommended by the Planning Commission, as amended, seconded by Supervisor McGhee. *Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.*

Case No. OA-03-20-6 [Ordinance ID #2020-6] Reads as follows:

ORDINANCE TO AMEND THE MADISON COUNTY

ZONING ORDINANCE

**ORDINANCE #2020-6
(Case No. OA-03-20-6)**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Site Plan Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of

Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Site Plan Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

Amending the site plan ordinance, specifically amending section A.2 (applicability of regulations) and adding a section A.2.2.9; amending section A4 (administration) specifically section A.4.1.1; amending sections A5 (procedures) specifically section A5.1; and amending A.6 (site plan details) specifically A.6.5.

These amendments would allow for the administrative approval of site plans which are less than 40,000 sq. ft. in area.

The code amendments necessary to enact the changes are as follows: (additions to the Code are underlined)

APPENDIX A TO THE MADISON COUNTY ZONING ORDINANCE

A2. APPLICABILITY OF REGULATIONS

A.2.2.9 - A site plan showing improvements/development on a parcel or portion thereof which is less than 40,000 square feet in total land area may be administratively approved by the Zoning Administrator provided all requirements of this ordinance are met.

A4. ADMINISTRATION

A.4.1 Final Approving Authorities

A.4.1.1 The Board of Supervisors, Zoning Administrator or County Administrator, shall be the approving authority for site plans and any amendments or modifications thereto. The Board of Supervisors shall, by resolution, designate a person to serve as its administrative agent for purposes of administering and enforcing the requirements of this ordinance.

A5. PROCEDURES

A5.1 The Board of Supervisors, Zoning Administrator, or County Administrator, shall act on any proposed site plan within 60 days after the site plan has been officially submitted for approval, by either approving or disapproving the site plan in writing, and giving with any disapproval specific reasons therefor.¹ Specific reasons for disapproval shall be given either in a separate document or noted on the plan itself. The reasons for disapproval shall identify deficiencies in the site plan that cause the disapproval by reference to specific ordinances or regulations and shall further identify modifications or corrections as will permit approval of the site plan. The Board of Supervisors shall act on any proposed site plan that it has previously disapproved within 45 days after the site plan has been modified, corrected and resubmitted for approval.

A6 – Site Plan Details

A.6.5 All requests by a developer for waivers and substitutions of applicable requirements shall be set forth in writing and shall be included with the site plan submission.

The above text in A.6.5 will be amended/changed and replaced with the following text:

A.6.5 Concurrent with a developer's site plan application a request for waivers and/or substitutions of applicable requirements enumerated in A.6.1 through A.6.4 of this ordinance shall be submitted in writing to the Zoning Administrator for review. This waiver request shall be forwarded to the County Attorney for review, and approval and/or denial of said request shall be communicated in writing to the applicant in a timely fashion by the zoning administrator.

The aforesaid amendment shall be effective upon enactment.

ENACTED this 4th day of March 2020.

*Board of Supervisors suspended
Planning Commission reconvened*

- G. Case No. OA-03-20-7:** Amending the zoning ordinance, specifically article 5 (limited residential) and article 6 (general residential) section 5-4 (setback regulations) and section 6-4-2 (setback regulations) deleting requirement that an accessory building may not be located closer to the front of a lot than the main structure.

*Planning Commission suspended
Board of Supervisors reconvened*

Supervisor Foster moved that the Board approve Case No. OA-03-20-7 as recommended by the Planning Commission, seconded by Supervisor McGhee. *Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.*

Case No. OA. 03-20-7 [Ordinance ID #2020-7] Reads as follows:

ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE

**ORDINANCE #2020-7
(Case No. OA-03-20-7)**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

Amending the zoning ordinance, specifically article 5 (limited residential) and article 6 (general residential) section 5-4 (setback regulations) and section 6-4-2 (setback regulations) deleting requirement that an accessory building may not be located closer to the front of a lot than the main structure.

The amendments to the zoning ordinance are as follows:

RESIDENTIAL, LIMITED R-1

5- 4 Setback Regulations

Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

All accessory structures must be located ten (10) feet or more from any property line *except that no accessory building may be located closer to the front of a lot than the main structure.*

The above italicized text is to be eliminated from the code; the code's text will read as follows:

All accessory structures must be located ten (10) feet or more from any property line.

RESIDENTIAL, GENERAL R-2

6-4-2 All accessory buildings must be located ten (10) feet or more from any property line *except that no accessory building may be located closer to the front of a lot than the main structure.*

The above italicized text is to be eliminated from the code; the code's text will read as follows:

6-4-2 All accessory buildings must be located ten (10) feet or more from any property line.

The aforesaid amendment shall be effective upon enactment.

Enacted this 4th day of March 2020.

*Planning Commission reconvened
Board of Supervisors suspended*

- H. Case No. OA-03-20-8:** Amending the zoning ordinance, specifically article 2 (zones-districts), article 3 (conservation), article 4 (agricultural) and article 5 (limited residential), sections 3-3, 4-3 and 5-3 (area regulations) respectively. The amendments would allow parcels/lots to contain more than one (1) dwelling provided each dwelling contains/is assigned the required minimum lot size required by the underlying zoning.

*Board of Supervisors reconvened
Planning Commission suspended*

Supervisor McGhee moved that Case No. OA-03-20-8 be approved as amended and recommended by the Planning Commission, seconded by Supervisor Foster. ***Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.***

Case No. OA-03-20-8 [Ordinance ID #2020-8] Reads as follows:

**ORDINANCE TO AMEND THE MADISON COUNTY
ZONING ORDINANCE**

**ORDINANCE #2020-8
(Case #OA-03-20-8)**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

Amending the zoning ordinance, specifically article 2 (zones-districts), article 3 (conservation), article 4 (agricultural) and article 5 (limited residential), sections 3-3, 4-3 and 5-3 (area regulations) respectively.

The amendments would allow parcels/lots to contain more than one (1) dwelling provided each dwelling contains/is assigned the required minimum lot size required by the underlying zoning.

The code amendments necessary to enact the changes are as follows: (additions to the Code are underlined)

C1 – Conservation District

3-3 Area Regulations: The minimum lot area for permitted uses shall be ten (10) acres, except for an outdoor archery range which shall be three (3) acres. All dwelling(s) located on a single parcel shall require a minimum of ten (10) acres per dwelling.

A1 – Agricultural

4-3 Area Regulations: The minimum lot area for permitted uses shall be three (3) acres. All dwelling(s) located on a single parcel shall require a minimum of three (3) acres per dwelling.

R1 – Limited Residential

5-3 Area Regulations The minimum lot area for permitted uses shall be one and one-half (1.5) acres (65,340 square feet) without public water and sewer systems, and one (1) acre (43,560 square feet) with public water and sewer systems. All dwelling(s) located on a parcel without public water and sewer shall require a minimum of one and one-half (1.5) acres per dwelling; all dwelling(s) located on a parcel with public water and sewer shall require a minimum of one (1) acre per dwelling.

The aforesaid amendment shall be effective upon enactment.

ENACTED this 4th day of March, 2020.

*Planning Commission reconvened
Board of Supervisor suspended*

- I. Case No. OA-03-20-9:** Amending the zoning ordinance, specifically article 3 (conservation), article 4 (agriculture), article 5 (limited residential), article 6 (general residential) and article 7 (multi-family residential), sections 3-5, 4-5, 5-5, 6-5 and 7-5 (frontage regulations) respectively. The amendments would delete/remove mentions of “frontage regulations” and replace with “Lot Width Requirements”; the accompanying text under each section would be amended too.

*Planning Commission suspended
Board of Supervisors reconvened*

Supervisor Yowell moved that the Board approve Case No. OA-03-20-9 as recommended by the Planning Commission, seconded by Supervisor Foster. *Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.*
Case No. OA-03-20-9 [Ordinance ID #2020-9] Reads as follows:

ORDINANCE TO AMEND THE MADISON COUNTY

ZONING ORDINANCE

**ORDINANCE #2020-9
(Case No. OA-03-20-9)**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

Amending the zoning ordinance, specifically article 3 (conservation), article 4 (agriculture), article 5 (limited residential), article 6 (general residential) and article 7 (multi-family residential), sections 3-5, 4-5, 5-5, 6-5 and 7-5 (frontage regulations) respectively.

The amendments would delete/remove mentions of “frontage regulations” and replace with “Lot Width Requirements”; the accompanying text under each section would be amended too.

The amendments are as follows:

C1 – Conservation

3-5 Frontage Regulations *The minimum frontage for permitted uses shall be three hundred (300) feet at the setback line. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line*

The italicized text above is to be deleted and changed/replaced with the following text:

3-5 Lot Width Requirements The minimum lot width for permitted uses shall be three hundred (300) feet at the setback line, or measured at the location of the foundation of the subject parcel's principal dwelling or accessory building. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

A1 – Agricultural

4-5 Frontage Regulations *The minimum frontage for permitted uses shall be two hundred fifty (250) feet at the setback line. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.*

The italicized text above is to be deleted and changed/replaced with the following text:

4-5 Lot Width Requirements The minimum frontage for permitted uses shall be two hundred fifty (250) feet at the setback line, or measured at the location of the foundation of the subject parcel's principal dwelling or accessory building. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

R1- Limited Residential

5-5 Frontage Regulations *The minimum frontage for permitted uses shall be one hundred-fifty (150) feet at the setback line. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.*

The italicized text above is to be deleted and changed/replaced with the following text:

5-5 Lot Width Requirements The minimum frontage for permitted uses shall be one hundred-fifty (150) feet at the setback line, or measured at the location of the foundation of the subject parcel's principal dwelling or accessory building. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

R2 – General Residential

6-5 Frontage Regulations *The minimum frontage for permitted uses shall be one hundred fifty (150) feet at the setback line. The minimum distance which the main building is required to be located from the street right-of-way or center line shall be known as the setback line.*

The italicized text above is to be deleted and changed/replaced with the following text:

6-5 Lot Width Requirements The minimum frontage for permitted uses shall be one hundred-fifty (150) feet at the setback line, or measured at the location of the foundation of the subject parcel's principal dwelling or accessory building. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

R3 – Multiple Family Residential

7-5 Frontage Regulations *The minimum frontage for permitted uses shall be one hundred fifty (150) feet at the setback line. The minimum distance which the main building is required to be located from the street right-of-way or center line shall be known as the setback line.*

The italicized text above is to be deleted and changed/replaced with the following text:

7-5 Lot Width Requirements The minimum frontage for permitted uses shall be one hundred-fifty (150) feet at the setback line, or measured at the location of the foundation of the subject parcel's principal dwelling or accessory building. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

The aforesaid amendment shall be effective upon enactment.

Enacted this 4th day of March 2020.

4. Information/Correspondence

Courthouse Security Issue: Chairman Jackson advised that the Judge will plan to attend Tuesday's session to discuss a solution on courthouse issues regarding courthouse security

5. Public Comment

6. Closed Session [2.2-3711(A)(7)]

a. Closed Session

On motion of Supervisor Yowell, seconded by Supervisor Foster, the Board convened in a closed session pursuant to Virginia Code Section 2.2-3711(A)(7) *for consultation with legal counsel and briefings by staff members or consultants pertaining to the opioid litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.* **Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.**

Supervisor Yowell moved that the Board re-convene in open session, seconded by Supervisor Foster. **Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.**

Supervisor Yowell moved to certify that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(7) and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, seconded by Supervisor McGhee. **Aye: Jackson, Foster, McGhee, Yowell. Nay: (0). Absent: Hoffman.**

The County Attorney gave a report on the status of the Legge lawsuit.

7. Adjourn

With no further action being required, Supervisor McGhee moved at about 9:59 p.m. that the meeting be adjourned, seconded by Supervisor Foster. **Aye: Jackson, McGhee, Foster, Yowell. Nay: (0). Absent: Hoffman.**

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors
Adopted on: March 10, 2020

Copies: Board of Supervisors, County Attorney & Constitutional Officers

Adopted Items:

- Case No. OA-03-20-1 (ID#2020-1)
- Case No. OA-03-20-2 (ID#2020-2)
- Case No. OA-03-20-3 (ID#2020-3)
- Case No. OA-03-20-4 (ID#2020-4)
- Case No. OA-03-20-5 (ID#2020-5)
- Case No. OA-03-20-5 (ID#2020-6)
- Case No. OA-03-20-6 (ID#2020-6)
- Case No. OA-03-20-7 (ID#2020-7)
- Case No. OA-03-20-8 (ID#2020-8)
- Case No. OA-03-20-9 (ID#2020-9)



Agenda

Board of Supervisors' Joint Meeting
 Wednesday, March 4, 2020 at 7:00 p.m.
 County Administration Building Auditorium
 414 N. Main Street, Madison, Virginia 22727

Following the Planning Commission Meeting

2. Call to Order, Determination of a Quorum, Pledge of Allegiance, Moment of Silence & Adoption of an Agenda
3. Public Comment
4. Public Hearings
 - A. Case No. OA-03-20-1: Amending the zoning ordinance, specifically article 3 (conservation district), section 3-2 (special permit uses) and adding a section 3-2-28 – Rural Resort.
 - B. Case No. OA-03-20-2: Amending the zoning ordinance, specifically article 14 (general provisions), section 14-18 (rural resort), 14-8.3 (siting requirements), 1 (arearegulations) and deleting the existing text and changing/replacing it.
 - C. Case No. OA-03-20-3: Amending the zoning ordinance, specifically article 9 (limited industrial), section 9-1 (uses permitted by right), and adding a section 9-1-36 – Mixed Use Building(s).

- D.** Case No. OA-03-20-4: Amending the zoning ordinance, specifically article 20 (definitions) and adding a section 20-120A – Mixed Use Building(s) with a definition.
- E.** Case No. OA-03-20-5: Amending the subdivision ordinance, specifically article 7 (filing approval procedures) section 7-1 (filing requirements) and sections 7-3 (final approval); these amendments would allow for administrative approval of one (1) lot non-family subdivisions.
- F.** Case No. OA-03-20-6: Amending the site plan ordinance, specifically amending section A.2 (applicability of regulations) and adding a section A.2.2.9; amending section A4 (administration) specifically section A.4.1.1; amending sections A5 (procedures) specifically section A5.1; and amending A.6 (site plan details) specifically A.6.5. These amendments would allow for the administrative approval of site plans which are less than 40,000 sq. ft. in area.
- G.** Case No. OA-03-20-7: Amending the zoning ordinance, specifically article 5 (limited residential) and article 6 (general residential) section 5-4 (setback regulations) and section 6-4-2 (setback regulations) deleting requirement that an accessory building may not be located closer to the front of a lot than the main structure.
- H.** Case No. OA-03-20-8: Amending the zoning ordinance, specifically article 2 (zones-districts), article 3 (conservation), article 4 (agricultural) and article 5 (limited residential), sections 3-3, 4-3 and 5-3 (area regulations) respectively. The amendments would allow parcels/lots to contain more than one (1) dwelling provided each dwelling contains/is assigned the required minimum lot size required by the underlying zoning.
- I.** Case No. OA-03-20-9: Amending the zoning ordinance, specifically article 3 (conservation), article 4 (agriculture), article 5 (limited residential), article 6 (general residential) and article 7 (multi-family residential), sections 3-5, 4-5, 5-5, 6-5 and 7-5 (frontage regulations) respectively. The amendments would delete/remove mentions of “frontage regulations” and replace with “Lot Width Requirements”; the accompanying text under each section would be amended too.

5. Information/Correspondence

6. Public Comment

7. Closed Session (*if needed*)

8. Adjourn